State of New Jersey
Department of Environmental Protection

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

JUL 21 2004

Christopher Anderson
Director Environmental Affairs
L.E. Carpenter and Company
33587 Walker Road
Avon Lake, OH 44012

RE: L.E. Carpenter Superfund Site
Wharton, Morris County, New Jersey

Dear Mr Anderson:

The New Jersey Department of Environmental Protection (NJDEP or Department) and the United States Environmental Protection Agency (USEPA) have completed a review of the document titled "Remedial Action Work Plan For Source Reduction" dated April 27, 2004. The document was prepared by RMT, Inc. on behalf of L.E. Carpenter and Company (LE). The NJDEP and the USEPA have the following attached comments which must be addressed.

Should you have any questions please feel free to contact me at (609) 633-1416.

Sincerely,

Anthony Cinque, Case Manager
Bureau of Case Management

C: Wharton Health Department
Nicholas Clevett, RMT
Stephen Cipot, USEPA
John Prendergast, BEERA
George Blyskun, BGWPA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

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JUL 15 2004

Via fax and Mail

Anthony Cinque
Case Manager
Bureau of Federal Case Management
New Jersey Department of
Environmental Protection
401 East State Street
Trenton NJ 08625

Re: L.E. Carpenter Superfund Site, Wharton, NJ
Review and comment on the report entitled Remedial Action Work Plan for Source Reduction, dated April 2004

Dear Mr. Cinque:

The U.S. Environmental Protection Agency (EPA) has completed its review and comment on report entitled, Remedial Action Work Plan For Source Reduction L.E. Carpenter Superfund Site, Wharton, NJ., and has attached comments. If you have any questions or comments on this letter, please feel free to discuss them with me at (212) 637-4411, at your earliest convenience. Thank you for the opportunity to review the above report.

Sincerely,

Stephen Cipot
Project Manager
Southern New Jersey Remediation Branch

Enclosure

Via fax and Mail

Anthony Cinque
Case Manager
Bureau of Federal Case Management
New Jersey Department of
Environmental Protection
401 East State Street
Trenton NJ 08625

Re: L.E. Carpenter Superfund Site, Wharton, NJ
Review and comment on the report entitled Remedial Action Work Plan for Source Reduction, dated April 2004

Dear Mr. Cinque:

The U.S. Environmental Protection Agency (EPA) has completed its review and comment on report entitled, Remedial Action Work Plan For Source Reduction L.E. Carpenter Superfund Site, Wharton, NJ., and has attached comments. If you have any questions or comments on this letter, please feel free to discuss them with me at (212) 637-4411, at your earliest convenience. Thank you for the opportunity to review the above report.

Sincerely,

Stephen Cipot
Project Manager
Southern New Jersey Remediation Branch

Enclosure

bcc: Kim O'Connell, Chief w/encl
Robert Alvey, PSB w/encl.
Michael Sivak, PSB w/encl.
Mindy Pensak, Coordinator, DESA-HWSB w/encl.
Grace Musumeci, Environmental Review Section w/encl.
Francis Zizila, ORC w/encl.
Stephen Cipot, SNJRS w/encl.

ENCLOSURE

U.S. Environmental Protection Agency (EPA) comments on the Remedial Action Work Plan For Source Reduction for the Dayco/L.E. Carpenter Superfund Site, Wharton, NJ.

General Comments

The remedial action described in the Remedial Action Work Plan For Source Reduction, dated April 2004, consists of the following main components: the excavation and off-site disposal of lead process wastes and soils above 400 ppm, and copper above 600 ppm, requiring an Explanation of Significant Differences; the excavation of PCB impacted soils above 2 ppm; the removal or remediation of soils contaminated with LNAPL; and the conduct of groundwater monitoring to evaluate if Monitored Natural Attenuation (MNA) is a viable alternative to the pumping and treatment of the contaminated shallow groundwater that was outlined in the 1994 Record of Decision (ROD). The latter was not described as part of the 1994 ROD, and may require an amendment to the ROD if implemented, after post remediation sampling and monitoring data have been evaluated by the New Jersey Department of Environmental Protection (NJDEP) and EPA. The actions outlined in the above document will require an Explanation of Significant Differences (ESD), however, an ESD need not be finalized prior to completion of the remedial action.

Because of the large amount of water infiltration that had been encountered during the lead and DNAPL excavation pilot study, replacement of excavated materials with a cement type monolithic slab was selected to stabilize side walls and prevent infiltration by unmanageable volumes of water. Use of a hardening slurry mixture will change the local pH, as well as likely alter the hydraulics of the immediate area by increasing overland surface flow. Potential impacts must be properly monitored as part of this remedial action, and adverse affects, if any, remedied. A pH change, while not certain to result, will likely buffer and lessen the mobilization potential for lead and other metals that may remain in soils, which would have a positive benefit. However, considering the changes to be imposed on the hydrogeologic system, EPA also stresses that the previously approved MNA sampling program must be implemented, along with the additional monitoring wells that EPA had the NJDEP had previously commented on. Moreover, overland surface flow will likely increase, while infiltration will likely decrease, thus perhaps increasing impacts to the Rockaway River, such as increased metals loading coming from on-site areas where the soils cover might be missing or had not been properly maintained. A lead level of 400 ppm is protective of human health, though may not be protective of the wetlands and river ecosystems, therefore appropriate monitoring and sediment drainage control must be implemented in the post construction/remediation phase to monitor for potential adverse impacts. Negative impacts will then need to be addressed in a timely manner by submittal of additional corrective action work plan(s) and field work.

In addition, notice of the existence of the cement type monolithic slab that will remain after remediation, will be required to be placed in the chain of title to the property so that a potential future owner of the Site will be on notice of this structure in the subsurface.

The PRP's had previously proposed a capping remedy, that was subsequently withdrawn, however, it contained a detailed cost estimate and comparison of the capping cost, versus the cost for implementing the selected ROD remedy. EPA will similarly need an updated detailed

5b. Additional confirmatory sampling of the excavation side walls are needed to rule out if any contaminated soils possibly extend beyond the presently identified areas. In addition, a post remediation monitoring plan must be submitted, if not prior to the remedial action, then at least concurrent, which includes geochemical data from additional monitoring wells, including from near the river, to evaluate the presence of lead and LNAPL, and whether the excavation has effectively remediated residual contamination. An investigation of the potential groundwater discharge zones into the river bed should be considered if LNAPLs or significant lead contamination is detected in the groundwater near the river. In addition, refer to the general comment regarding the possible change in water pH, and increased possibility for overland flow.

5c. The preconstruction soil borings may not be optimally located within and surrounding the excavation area to confirm the horizontal extent and thicknesses of the LNAPL smear zone, lead contaminated, and clean soils (Figure 31). The confirmatory PCB and metal sampling is only planned at grid sampling points across the floor of the excavation area. This provides no confirmation on the extent of contaminated soils beyond the periphery of the presently identified excavation area. Additional confirmation sampling along the outside walls of the excavation areas is needed to evaluate to effectiveness of the soil excavation and slurry remediation.

6. Page 6-5, and 9-2, Wetlands: The size of the wetland excavation area is not provided (sq. ft.), and the wetland excavation area is not depicted on a map. Details of wetland restoration are not provided, e.g., seeding and/or planting, the target community type (palustrine emergent?), post-restoration monitoring, etc. If the undisturbed portions of the wetland are dominated by cattail, Phragmites, loosestrife, and reed canary grass (Appendix B), it will be difficult to prevent re-establishment of these species in the adjacent excavated and restored wetland area.

7a. Section 9.0, Ground Water, Monitored Natural Attenuation (MNA). The feasibility of Monitored Natural Attenuation has not been determined yet. The MNA of lead and LNAPLs in the groundwater must be adequate to prevent contamination of the river.

7b. The MNA work plan that had been approved several years ago, must be implemented.

7c. The effective natural attenuation of metals, especially lead, cannot be based solely on the monitoring results from existing wells and without knowing in advance the number and locations of any additional monitoring wells that will be installed (Section 9.1). The natural attenuation mechanisms must be confirmed to be remediating residual contamination in the soils and groundwater. The excavation of free product and lead contaminated soils, and the replacing of local soils with a hardened monolith could complicate the localized groundwater flow patterns, especially near the river, in terms of pH, altering the local hydrology as well as percolation of surface water and run-off. Additional long term monitoring wells should be specifically outlined and agreed to, placed between the excavation area and the river to identify if any contaminated groundwater may end up discharging into the river.

7d. In addition, surface sediments samples may also be necessary.

meters could be placed in parts of the river suspected to be impacted by contaminated groundwater migrating from the site. Any seepage meter transects should be first based on a comprehensive analysis of the vertical and horizontal groundwater flow patterns and an initial temperature profile screening of the river bottom.

12. Groundwater Modeling, page 9-1 mentions that groundwater modeling will be performed to help determine the viability of MNA for the next phase of remedial action. As mentioned in the general comment, if MNA is selected for residually contaminated groundwater, as well as for the MW-19 hot spot groundwater contamination area, then a ROD amendment will be necessary. When will the modeling task be performed? Prior to implementation of modeling, a modeling work plan will need to be submitted, reviewed and approved by the NJDEP and EPA. The modeling work plan must clearly spell out as a minimum the type of modeling that will be conducted, input and output parameters, specific goals that the modeling aims to achieve, and the utility of the proposed model for achieving those goals.

12a. Wetlands, page 9-2. According to the document, there will be wetland impacts associated with the remedy, however, no details are provided regarding wetland restoration (e.g., seeding/planting, community type, post-restoration monitoring, etc.). As per Clean Water Act, Section 404, Protection of Wetlands E.O. 11990, 40 CFR 6 App A, a wetlands assessment and restoration plan will be need to be submitted for any wetlands impacted or disturbed by the remedial activities.

12b. Additionally, whenever possible, Management Practices (according to Federal Register Vol. 51, No. 219, Part 330.6) should be followed to minimize unavoidable impacts (e.g., spread of contaminants, impact of roadways) to wetlands to the maximum extent practicable while designing/implementing the remedy. Should you require additional information regarding wetland issues, John Cantilli of the of the Water Programs Branch is available for assistance, at 212-637-3810.

13. Similar to the above, Sections 2.5.1 and Section 6.13, mentions that PCB impacted soil is proposed to be removed from the wetland. The discussion of this activity should indicate the approximate square foot area of wetlands that will be impacted and excavated. It would also be useful to include a footprint of the impacted area on site maps, as well as on a wetlands delineation map.

14. Section 5.7, the discussion pertaining to the conceptual end use plan for the site mentions an area that would become wetland habitat. It should be clarified if this area is a new wetland that will be created or if it is the restoration of the wetland that will be excavated as part of the remedy. The area should be located on a map.

15. When will the Remedial Action Report be submitted? It should be submitted between 60 to 90 days after the remedial action has been completed.

16. A project schedule is needed. In addition, a detailed time line and flow chart that outlines the relationship of all planned activities and submittals should be provided to the EPA and NJDEP, at least several weeks prior to implementation of the proposed remedial action.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609/646 9310
Fax: 609/646 0352
http://njfieldoffice.fws.gov

In Reply Refer to:

EC-04/45

MAY 2 4 2004

Mr. Stephen Cipot, Remedial Project Manager
U.S. Environmental Protection Agency, Region II
Emergency and Remedial Response Division
Program Support Branch
290 Broadway, 18th Floor
New York, New York 10007-1866

Dear Mr. Cipot:

The U.S. Fish & Wildlife Service (Service) New Jersey Field Office has reviewed the April 2004 *Remedial Action Work Plan (RAWP) for Source Reduction* prepared for the L. E. Carpenter & Company Site (Site), Wharton, Morris County, New Jersey, and offers the following comments as technical assistance.

The Service is pleased that the RAWP reflects the March 27, 2003 comments forwarded through the Biological Technical Assistance Group (BTAG), and discussed during the October 7, 2003 meeting with Site representatives at the U.S. Environmental Protection Agency's (EPA) Edison, New Jersey facility.

Under Section 2.5 Natural Resource Issues, a discussion of the Rockaway River and its designated uses should have been included. Specifically, that portion of the Rockaway River which borders the Site is classified under N.J.A.C. 7:9B-1.15 as Freshwater 2, Trout Maintenance (FW2-TM) Category 1 (C1). The State-designated uses of FW2 surface waters as defined in N.J.A.C. 7:9B-1.12(c) include: maintenance, migration and propagation of the natural and established biota; primary and secondary contact recreation; industrial and agricultural water supply; public potable water supply after legally required treatment; and any other reasonable uses. Trout maintenance surface waters are designated for the support of trout throughout the year. Moreover, C1 surface waters are designated for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d), for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s). The Service recommends that the State designated uses of the Rockaway River be incorporated into the subject document.

The RAWP states (on page 2-10) that the Service's Great Swamp National Wildlife Refuge (GSNWR) was consulted to confirm the current status of federally listed threatened and endangered animal and plant species occurring in New Jersey. Although knowledgeable, the

GSNWR is not the appropriate Service office for threatened and endangered species consultation. This review and coordination with the GSNWR does not constitute consultation under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). The EPA initiated informal ESA Section 7 consultation for the Site with the Service in a letter dated May 1, 1991 (enclosed). In response, the Service determined, in a letter dated June 3, 1991 (enclosed), that the federally listed as threatened plant swamp pink (*Helonias bullata*) was documented within 10 miles of the Site, and that a survey for this species in Site-associated wetlands be conducted if those wetlands would be impacted by the remedial action. A review of our administrative record did not reveal any additional consultation. As there have been significant modifications to the project since 1991, reinitiating informal consultation pursuant to Section 7 of the ESA is required. The EPA should direct representatives of L.E. Carpenter & Company to reinitiate informal Section 7 consultation with the Service's New Jersey Field Office, located in Pleasantville, New Jersey, prior to the commencement of the remedial action. Please direct informal consultation reinitiation correspondence to:

Darren Harris
U.S. Fish & Wildlife Service
New Jersey Field Office
927 N. Main Street, Bldg D
Pleasantville, New Jersey 08232
609/646-9310, extension 44.

To expedite informal consultation, refer to control # EC-04/45 in your request. Moreover, pursuant to 50 CFR Part 402.09, no federal agency or any applicant shall make irreversible or irretrievable commitment of resources which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives which would avoid violating Section 7(a)(2) of the ESA. This prohibition is in force during the consultation process and continues until the requirements of Section 7(a)(2) are satisfied.

In Appendix M, page 16, section IV.6.5 Endangered Species, the Service is unclear as to what habitat survey report is being referred to in the EPA comments. Again, reinitiating informal consultation pursuant to Section 7 of the ESA is required.

The Service appreciates the opportunity to review the subject document, and is interested in reviewing any future Site-related documents. If you have further questions, please contact Environmental Contaminants Specialist Clay Stern of my staff at 609/383-3938, extension 27.

Sincerely,

Timothy Kubiak
Assistant Supervisor

Enclosures (2)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

MAY 01 1991

Mr. Clifford G. Day
Field Supervisor
U.S. Fish & Wildlife Service
927 North Main Street (Bldg. D)
Pleasantville, New Jersey 08232

Dear Mr. Day:

This letter is intended to initiate informal consultation with the U.S. Fish and Wildlife Service to determine if there are any federal endangered/threatened species or critical habitats present in the vicinity of the Dayco/L.E. Carpenter National Priorities List Site. This site is located in Wharton, Morris County, New Jersey. I have enclosed information regarding the site, including maps of the affected area, for your review.

In compliance with the mandate of Section 7 of the Endangered Species Act of 1973, as amended, EPA is requesting a written statement from you indicating whether any endangered or threatened species which are listed or proposed to be listed may be present in the project area. Please advise us concerning the range of territory covered by any federal endangered/threatened species that may be found in the area, and whether remedial action for the site may result in impacts to these species.

If you have any questions or require additional information, please contact Susan Osofsky of my staff at (212) 264-6716. We appreciate your assistance in this matter.

Sincerely yours,

Robert W. Hargrove, Chief
Environmental Impacts Branch

Enclosure

cc: A. Miller, DOI
P. Nickerson, F&WS

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Fish and Wildlife Enhancement
927 North Main Street (Bldg. D1)
Pleasantville, New Jersey 08232

Tel: 609-646-9310
FAX: 609-646-0352

IN REPLY REFER TO:

ES-91/89

June 3, 1991

Mr. Robert W. Hargrove, Chief
Environmental Impacts Branch
U.S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

Dear Mr. Hargrove:

This letter is in response to your May 1, 1991, request to the Fish and Wildlife Service (Service) for information on the presence of federally listed and proposed endangered and threatened species within the study area of the Dayco/L.E. Carpenter National Priorities List Site in Wharton, Morris County, New Jersey.

This response is provided pursuant to the Endangered Species Act (Act) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) to ensure the protection of endangered and threatened species and is intended to assist your assessments, investigations and planning being conducted pursuant to Section 104 (a) of the Comprehensive Environmental Response, Compensation and Liability Act as amended by the Superfund Amendments and Reauthorization Act. These comments do not represent any position the U.S. Department of the Interior may adopt concerning possible injury to natural resources under the Department's trusteeship.

The federally threatened plant species *Helonias bullata* (swamp pink) is documented to exist in forested wetlands within 10 miles of the project study area. This population is the northernmost occurrence for the species in the United States. We have reviewed the Service's National Wetland Inventory map for the project area and note there are palustrine forested wetlands at the project site, therefore, it is possible that swamp pink could be present. If these wetlands will be impacted by the proposed project, we recommend that a survey be conducted to determine the absence or presence of swamp pink. The results of the survey should be forwarded to this office for review. Except for an occasional transient Bald Eagle (*Haliaeetus leucocephalus*) or Peregrine Falcon (*Falco peregrinus*), no other federally listed or proposed threatened or endangered flora or fauna are known to occur in the proposed study area.

Enclosed is a summary of federally listed and candidate species in New Jersey for your information. Candidate species are those species under consideration by the Service for possible inclusion on the List of Endangered and Threatened Wildlife and Plants. Although these species receive no substantive or procedural protection under the Endangered Species Act, the Service encourages federal agencies and other planners to consider candidate species in the

project planning process. The New Jersey Natural Heritage Program provides the most up-to-date data source for candidate species in the State, as well as maintaining information on State listed species, and may be contacted at the following address:

Mr. Thomas Breden
Natural Heritage Program
Division of Parks and Forestry
CN 404
Trenton, New Jersey 08625
(609/984-0097)

Further information on State listed species may be obtained from the following office:

Ms. JoAnn Frier-Murza
Endangered and Nongame Species Program
Division of Fish, Game and Wildlife
CN 400
Trenton, New Jersey 08625
(609/292-9101)

Please contact Dana Peters of my staff if you have any questions or require further assistance regarding threatened or endangered species.

Sincerely,

Clifford G. Day

Clifford G. Day
Supervisor

Enclosures